



City of Marietta

Meeting Minutes

CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Betty Lou Hunter, Ward 1
M. C. (Pete) Waldrep, Jr., Ward 2
John V. Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, November 10, 2004

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Betty Lou Hunter, John Vincent Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

Absent: M. C. "Pete" Waldrep, Jr.

Also Present:

William F. Bruton, Jr., City Manager

Douglas R. Haynie, City Attorney

Shelia R. Hill, City Clerk

CALL TO ORDER & ROLL CALL:

Mayor William B. Dunaway called the meeting to order at 7:15 p.m.

INVOCATION:

Council member Rev. Anthony Coleman gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called on Holly Walquist, Executive Director of the Marietta Tree Keepers, to lead the pledge of allegiance.

PRESENTATIONS:

Mayor Dunaway announced that Marietta Tree Keepers would be planting trees this weekend to create a pocket park at the corner of Wadell and Lemon Street. Anyone who would like to help is welcomed to come out Saturday November 13, 2004 at 8:30 a.m.

Council member Hunter invited everyone to attend the State Flag Raising Ceremony in Brown Park November 11, 2004 at 11:30 a.m. The event will start with the Presentation of the Colors and Pledge of Allegiance, followed by music by the Mayor. Names of the dead interred in the cemetery will be read (about 1,000 names) and when each state has been read, a flag for that state will be raised. The entire program is estimated to take about an hour to one hour and a half, after which Williamson Brothers BBQ will cater lunch.

20041264 Marietta Police Chaplains Academy Graduates of 2004

Rev. Lockhart
Wanda Olgesbee
James Edwards
Amos Williams
Bob Chastain
Tom Tanner
Kevin Hammond

Mayor Dunaway, joined by Police Chief Bobby Moody, Lieutenant Hathaway and Officer Baldwin, presented certificates to the 2004 Police Chaplains Academy Graduates. The graduates were made up of Preachers from every denomination that attended a nine-week course to learn more about the Marietta Police Department.

Rev. Chastain, class spokesman, thanked the City for holding the academy that he stated was a great learning experience.

This matter was Presented.

PROCLAMATIONS:**20041238 Food Bank Proclamation**

Proclamation recognizing the outstanding service that First Christian Church has provided to the people of Marietta and Cobb County through their Disciples Mission Food Pantry.

Mayor Dunaway called forward Sherwood Smith, Food Pantry Director, and Patty Kearn, Co-chair of the Outreach Committee and thanked them for their dedication in providing food to needy families in the community. Mayor Dunaway then read a Proclamation of Appreciation declaring Thursday, November 11, 2004 as Disciples Mission Food Pantry Day.

Mr. Smith reminded everyone that the November/December Harvest of Food Drive has begun and donations could be dropped off at local businesses on the square. The donations would help provide food for families in need over the holidays.

This matter was Read.

20041242 Marietta Teacher of the Year

Honoring the Marietta Teacher of the Year, Julie Wilson

Mayor Dunaway called forward Julie Wilson, Marietta Teacher of the Year, from Pine Forest Elementary School and Debbie Pickett, representing the administration of the Marietta School System. A proclamation was then read declaring Thursday, November 11, 2004 as Julie Wilson Day for her work with the children at Pine Forest Elementary School.

This matter was Read.

20041260 Cobb County Teacher of the Year

Honoring Martha W. Merletti, Cobb County Teacher of the Year

Mayor Dunaway called forward Martha W. Merletti, Cobb County Teacher of the Year, from Brown Elementary School and Beverly Parks, Principal. A proclamation was then read declaring Thursday, November 11, 2004 as Martha Merletti Day for her work with the children at Brown Elementary School.

This matter was Read.

20041262 National Family Caregivers Month

First Baptist Church is celebrating National Family Caregivers Month and beginning a ministry for caregivers in order to raise awareness and find ways to improve the quality of life for those who give so much to others.

Mayor Dunaway called forward Rev. Dean Hunter with First Baptist Church and presented him with a Proclamation of Appreciation declaring November as First Baptist Church National Family Caregivers Month.

This matter was Read.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*).

(A public hearing will be held only for those items marked by an asterisk that require a public hearing, which is so noted below the agenda item.)

Mayor Dunaway briefly explained the consent agenda process and expressed the following changes:

A motion was made by Council member Goldstein, seconded by Council member Coleman, to pull agenda item 20040834 from public hearing and allow the applicant to withdraw the application without prejudice and place the motion to withdraw on that on the consent agenda, made a motion. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

-under Economic/Community Development: Agenda item 20041199 was added to the consent agenda and amended to read, "Motion to approve the Detailed Plan for the Longue Vue Subdivision subject to the following conditions (1) Stipulations in Ordinance #6618 must be added to final plat prior to recording; (2) Stipulations in Ordinance #6618 are included in this motion; (3) Approval of Detailed Plan does not constitute a waiver or amendment to previous stipulations; (4) areas defined as conservation easement shall not ever be allowed to be developed; (5) tree save areas that are indicated to be shown in pink and orange must be shown by cross-hatching.

-under Parks & Recreation and Tourism: The date under Agenda item 20041202 should be changed to June 12, 2005.

-under Other Business: Agenda item 20041195 was added to the consent agenda and should read, "Motion to approve the advertisement of a public hearing

regarding the proposed closure of the public right of way for Petty Drive subject to the following terms and conditions: 1) the applicant shall dedicate to the City of Marietta an equal amount of right of way along the western side of Roselane Street as would be exchange with the applicant; 2) the applicant shall pay for all costs of advertising related to this request; 3) the City of Marietta shall withhold from the proposed abandonment, all necessary right of way for future road, sidewalk and multi-use trail improvements along Roselane Street and Tower Road; 4) the proposed closure will be contingent on the applicant supplying evidence of title for all properties surrounding the proposed closure; 5) the applicant shall be responsible for funding the relocation of all utilities in the proposed exchange area, all these terms and conditions shall be approved and verified by the city manager, city attorney and public works director.

-under Other Business: Agenda item 20041269 was added to the consent agenda.

Mayor Dunaway opened the public hearing for items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Goldstein, seconded by Council member King, to approve the consent agenda as amended. The motion carried by the following vote:

Vote: 6 - 0 - 0 Approved the Consent Agenda

With the following exceptions:

Council member Goldstein abstaining on Agenda items 20041236, 20041237 and 20041240

MINUTES:

- * **20041273 Regular Meeting - October 13, 2004**
Review and approval of the October 13, 2004 regular meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 6 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

- * **20041243 Planning Commission Appointment - Ward 6**
Reappointment of R. W. (Bob) Kinney to the Planning Commission (Ward 6) for a three-year term expiring on December 14, 2007.
This Matter was Approved on the Consent Agenda.
Vote: 6 - 0 - 0 Approved

ORDINANCES:*** 20040834 Z2004-30 Bluegrass Realty, LLC 379 and 389 Washington Avenue**

Z2004-30 BLUEGRASS REALTY, LLC request rezoning for property located in Land Lot 12160, Parcels 56 and 57, 16th District, 2nd Section, Marietta, Cobb County, Georgia and being known as 379 and 389 Washington Avenue from R-4 (Single Family Residential 4 units/acre) to OI (Office Institutional). Ward 5A.

Motion to pull this matter from public hearing and allow the applicant to withdraw the application without prejudice.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Withdrawn

20040990 Z2004-36 Richard Couturier 1602 White Circle

Ord 6746

Z2004-36 RICHARD COUTURIER request rezoning for property located in Land Lot 862, Parcel 1, 16th District, 2nd Section, Marietta, Cobb County, Georgia and being known as 1602 White Circle from OI (Office Institutional) to RA8 (Single Family Residential Attached). Ward 4B.

Mayor Dunaway opened the public hearing. City Attorney Douglas Haynie explained the rules of order for rezoning hearings and swore in those wishing to speak.

Parks Huff, attorney for Richard Couturier, applicant, requested rezoning of property located at 1602 White Circle from OI (Office Institutional) to RA-8 (Single Family Residential-Attached) for the purpose of developing a townhome style condominium community. This is a 9.65-acre tract of land at the intersection of White Circle and Turner Road. There would be a total number of 32 homes with front-loading two car garages. The minimum square footage of the homes shall be 2,200 square feet with the architectural style and composition of the homes shall be consistent with the elevations/renderings submitted. The Planning Commission has recommended the rezoning be to RA-6 with a variance for the 35-foot frontage.

Council member King questioned the difference in the two drawings of the property where one shows one cul de sac and the other shows two. Mr. Huff stated that the drawing showing two cul de sacs was correct. Council member King wondered if the existing lake would work as a natural detention for the project. Mr. Huff stated that although the lake and creek were a hindrance as the property is presently zoned, they would work to their advantage as a detention and natural buffer area. Council member King also questioned the rear entry garages shown in the drawing, which Mr. Huff stated were incorrect. All garages in the development would be front loading.

Council member Sinclair questioned the absence of guest parking and wondered if they were required by the city's ordinance. Acting Planning and Zoning

Director Rusty Roth mentioned that guest parking was not required by the ordinance; however, Mr. Huff stated that they would be considered during the planning review process.

Council member Morris asked if the density for the project would be less than other developments in the area. Mr. Huff stated that the gross density would be 3.32 with the inclusion of the flood plain. The exclusion of the flood plain would increase the density to 5.36.

Mayor Dunaway closed the public hearing.

Council member Goldstein expressed concern with the "for sale" provision under item 6 of the stipulation letter. Mr. Huff stated that a rental provision could be added that could not be modified by the homeowners association. It was mentioned that a deed restriction could also be added if necessary. Council member Goldstein requested that staff deal with this type of issue in the future for inclusion in stipulation letters.

Further discussion was held regarding guest parking and whether a statement could be added in the motion. Mr. Huff stated that guest parking could be added at the end of the cul de sac.

Motion to approve with the letter of stipulation from Garvis L. Sams, Jr., dated October 12, 2004. Further, the following stipulations are incorporated as conditions of zoning:

- Change in zoning from RA-8 to RA-6, with variance for the 35-foot frontage*
- Provide no less than four guest parking spaces at end of cul-de-sac*
- Language in item #6 in the letter dated October 12, 2004 dealing with 10% rental units must be included on the final plat, in the subdivision covenants and placed on each deed as a deed restriction, which cannot be amended by the homeowner association*
- The townhomes to be built must conform to the design of the elevations shown as Heritage Ridge Historic Townhome Elevations*
- The townhomes must be site plan specific, with the removal of the rear entry garages*

A motion was made by Council member Morris, seconded by Council member King, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved as Stipulated

20040993

Z2004-38 Marco Homes, Inc. 1408 and 1430 Sandtown Road

Z2004-38 MARCO HOMES, INC. request rezoning for property located in Land Lot 209, Parcels 3 and 15, 17th District, 2nd Section, Marietta, Cobb County, Georgia and being known as 1408 and 1430 Sandtown Road from R-20 (County) and R-2 (City) to PRD-SF (Planned Residential Development Single-Family).

Ward 2B.

Parks Huff, attorney for the applicant, requested a continuous in this matter in order to pursue the option of acquiring additional property. A new application would be submitted if the additional property is acquired.

Council member Sinclair requested that he and Council member Waldrep be included in any community meetings that may be scheduled.

Motion to postpone this matter until the December 8, 2004 regular Council meeting, with the applicant paying for re-advertisement.

A motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Withdrawn. The motion carried by the following vote:

Vote: 6 - 0 - 0

Withdrawn

20040994 A2004-11 Victory Properties, LLC 1408 and 1430 Sandtown Road

A2004-11 VICTORY PROPERTIES, LLC request annexation for property located in Land Lot 209, Parcel 3, 17th District, 2nd Section, Marietta, Cobb County, Georgia and being known as 1408 Sandtown Road, consisting of 0.9 acres. Ward 2B.

Motion to postpone this matter until the December 8, 2004 regular Council meeting, with the applicant paying for re-advertisement.

A motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Withdrawn. The motion carried by the following vote:

Vote: 6 - 0 - 0

Withdrawn

20040997 CA2004-16 (A2004-11) Marco Homes, Inc. 1408 and 1430 Sandtown Road

CA2004-16 (A2004-11) MARCO HOMES, INC. in conjunction with the requested annexation of property located in Land Lot 209, Parcels 3 and 15, 17th District, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1408 and 1430 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 2B.

Motion to postpone this matter until the December 8, 2004 regular Council meeting, with the applicant paying for re-advertisement.

A motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Withdrawn. The motion carried by the following vote:

Vote: 6 - 0 - 0

Withdrawn

20041108 Z2004-40 Marjean Allen 664 & 670 North Avenue

Ord 6747

Z2004-40 MARJEAN ALLEN (ALLEN REALTY CO.) request rezoning for property located in Land Lot 1075, Parcels 45 and 46, 16th District, 2nd Section, Marietta, Cobb County, Georgia and being known as 670 North Avenue and 664 North Avenue from R-2 (Single Family Residential) to OI (Office Institutional). Ward 4A.

Mayor Dunaway opened the public hearing, and City Attorney Douglas Haynie swore in those wishing to speak

Marjean Allen, applicant, requested rezoning of property located at 664 North Avenue and 670 North Avenue from R-2 (Single Family Residential) to OI (Office Institutional) for the purpose of constructing a three story medical office building. The stipulations that are being requested are due to the widening of North Avenue by WellStar Hospital. The hospital has already purchased 10 feet of property from the owner to complete the project, however, an additional 10 feet would be required. In order to accommodate the request, the applicant is requesting the rezoning with stipulations.

Council member King questioned the number of tenants that would occupy the medical office building and whether there would be adequate parking to accommodate patients. Dr. Mohammad Abubaker, a Rheumatologist, responded that there would be three or four other doctors located in the building with him. His office is now located at 114 Cherry Street, Suite D and would move to the new building when his lease is up next December.

Dr. Abubaker plans to ask WellStar to grant parking permits in their new seven story parking garage for staff since the taking of the addition 10 feet of property would eliminate some parking spaces.

Council member Morris questioned the materials to be used in constructing the medical building. Dr. Abubaker stated that it would a brick building, though he was unable to present a drawing at this time.

Mayor Dunaway closed the public hearing.

Motion to approve the rezoning request conditioned upon the donation of 10' feet along full length of North Avenue with the following variances:

- Variance to reduce the front yard setback from 30 feet to 20 feet*
- Variance to increase the impervious area from 80% to 86%*
- Minimum landscape be reduce from 15% to 13%*
- Required parking spaces be reduced from 43 to 40 spaces*

The property owner agreed to the stipulations.

A motion was made by Council member Morris, seconded by Council member Goldstein, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved as Stipulated

*** 20041236**
Ord 6748

Code Enforcement - 412 Cedar Trace

An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris rendering sanitary, property located at 412 Cedar Trace in the corporate limits of the City of Marietta.

Certified mail receipt not returned as of November 2, 2004.

Taxes Paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 5 - 0 - 1

Approved

Abstain: 1 – Philip M. Goldstein

*** 20041237 Code Enforcement - 1068 Arden Drive**

Ord 6749

An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris rendering sanitary, property at 1068 Arden Drive in the corporate limits of the City of Marietta.

Certified mail receipt returned undeliverable.

Taxes Paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 5 - 0 - 1

Approved

Abstain: 1 – Philip M. Goldstein

*** 20041240 Code Enforcement - 496 Barnes Mill Drive**

Ord 6750

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation rendering sanitary, property located at 496 Barnes Mill Drive in the corporate limits of the City of Marietta.

Certified mail receipt returned unsigned/unclaimed.

Taxes Paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 5 - 0 - 1

Approved

Abstain: 1 – Philip M. Goldstein

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

*** 20041205 Denial of Claim**

Denial of claim of Elaine Fagan

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 6 - 0 - 0

Approved to Deny Claim

*** 20041232 Denial of Claim**

Denial of claim of Lynn Mosely

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 6 - 0 - 0

Approved to Deny Claim

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: John V. Sinclair, Chairperson

*** 20040945 Future Land Use Categories**

Proposal to amend the Comprehensive Development Code of the City of Marietta regarding changes to the Future Land Use Map.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20041199 Detailed Plan for the Longue Vue Subdivision**

Motion to approve the Longue Vue Detailed Plan with the following stipulations:
 (1) Stipulations in Ordinance #6618 must be added to final plat prior to recording;
 (2) Stipulations in Ordinance #6618 are included in this motion; (3) Approval of
 Detailed Plan does not constitute a waiver or amendment to previous stipulations; (4)
 areas defined as conservation easement shall not ever be allowed to be developed; (5)
 tree save areas that are indicated to be shown in pink and orange must be shown by
 cross-hatching.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20041200 Public Hearings to Consider Amending Redevelopment Plans**

Motion to accept for consideration the final "Redevelopment Plan Amendment for the City Center South Renaissance TAD" and the "Redevelopment Plan for the Franklin and Gateway TAD," and to authorize and advertise a public hearing on Wednesday, November 17th at 5:15 p.m. in the office of Cobb Housing, Inc. located at 286 Lawrence Street.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* 20041212 LCI Application

Motion to approve the submittal of a joint application from the City of Marietta and Cobb County to the Atlanta Regional Commission for a Livable Centers Initiative Study for the purpose of a Corridor Plan for Highway 41 south of Bells Ferry extending no farther than four miles, and including a city match of up to \$15,000.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

2. Finance/Investment: Philip M. Goldstein, Chairperson

3. Judicial/Legislative: M. C. "Pete" Waldrep, Jr., Chairperson**4. Parks & Recreation and Tourism: Rev. Anthony Coleman, Chairperson***** 20041165 Restitution - Golf Course**

Ord 6751 An Ordinance amending the Fiscal Year 2005 Golf Course Fund budget to receive and appropriate \$500 in restitution revenue for damages at Golf Course.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20041198 Donation of Landscaping funds from DMDA**

Ord 6752 An Ordinance amending the Fiscal Year 2004 budget to receive and appropriate \$6,000 from the Downtown Marietta Development Authority (DMDA) to the Parks and Recreation Department, Grounds Division, to defray landscaping expenses in the DMDA district.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20041202 Special Event in Glover Park**

Motion to approve the temporary closures of parking spaces and traffic lanes on Sunday, June 12, 2005, for the "Rolling on for MDA Motorcycle Extravaganza" sponsored by The Muscular Dystrophy Association and Earl Small's Harley Davidson as follows:

- Closure of parking spaces and one adjacent lane of traffic on North and East Park Square from 8:00 a.m. to 6:00 p.m.
- Complete closure of traffic on the North and East Park Square from 11:30 a.m. to 6:00 p.m.
- Closure of Lawrence Street between Wadell and the Square from 8:00 a.m. to 6:00 p.m.
- Closure of Cherokee Street to North Park Square to the Cobb County parking deck entrance from 8:00 a.m. to 6:00 p.m.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

5. Personnel/Insurance: Betty L. Hunter, Chairperson**6. Public Safety Committee: G. A. "Andy" Morris, Chairperson****7. Public Works Committee: James W. King, Chairperson****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****OTHER BUSINESS:**

20041188 Amendment to the Comprehensive Development Code regarding religious institutions and other similar uses.

Ord 6753 Proposal to amend the Comprehensive Development Code of the City of Marietta regarding religious institutions and other similar uses.

City Attorney Douglas Haynie mentioned that Acting Planning and Zoning Director Rusty Roth has prepared a definition of places of assembly, which should be included in the ordinance adopted. In addition, Mr. Roth has prepared a strikethrough version of the ordinance that has deleted all the places of assembly from residential areas. Council member King has also recommended that B4 of Section 708.01 be deleted to stay consistent with the overall intent of the document.

Mayor Dunaway opened the public hearing and seeing that there was no one desiring to speak, the public hearing was closed.

Council member Goldstein clarified that the city attorney recommended the amendments as well. Mr. Haynie confirmed that he did recommend the amendments.

Motion to adopt the ordinance as amended with the definition of places of assembly and the deletion of B4 from Section 708.1.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 5 - 0 - 1 **Approved as Amended**
Abstain: 1 - Rev. Anthony Coleman

* **20041292 Final Plat for the Park at Anderson Farm**

Motion to waive the 10-day waiting period for comment by Council and approve the final plat for the Park at Anderson Farm.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**

*** 20041290 Georgia Public Web Nomination**

Motion to nominate Board member Charles George to serve on the Georgia Public Web Board of Directors.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**

*** 20041189 Meeting Dates for remainder of 2004**

Motion to approve the scheduling of committee meeting dates for the remainder of 2004. The November Marathon Committee Meetings to be held on Monday, November 29 at 5:15 p.m. The December Marathon Committee Meetings on Tuesday, January 4, 2005, at 5:15 p.m. The Committee of the Whole and

Council meetings remain as scheduled.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20041195 Advertisement for a Public Hearing on the request for closure of the right of way for Petty Drive**

Motion to approve the advertisement of a public hearing regarding the proposed exchange of the public right of way for Petty Drive subject to the following terms and conditions:

1. the applicant shall dedicate to the City of Marietta an equal amount of right of way along the western side of Roselane Street as would be exchanged to the applicant;
2. the applicant shall pay for all costs of advertising related to this request;
3. the City of Marietta shall withhold from the proposed abandonment, all necessary right of way for future road, sidewalk and multi-use trail improvements along Roselane Street and Tower Road;
4. the proposed exchange will be contingent on the applicant supplying evidence of title;
5. the applicant shall be responsible for funding the relocation all existing utilities in the proposed exchange area.

All of these terms and conditions shall be approved and verified by the City Manager, City Attorney and the Public Works Director.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20041269 Amendments to the Campbell Hill Street closure contract with WellStar**

C/A 2977 Motion to approve the amendments to the Memorandum of Agreement with WellStar Health Systems regarding the Closure of Campbell Hill Street.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20041270 Pre-approval of the Cherokee Street and Cherry Street Project Right of Way Certification**

C/A 2978 Motion to authorize the Mayor to execute the Right of Way Certification documents from the Georgia Department of Transportation for the Cherokee Street and Cherry Street intersection improvement and signalization project, subject to the verification and approval of the Right of Way Certification documents by the City Manager, City Attorney and Public Works Director.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

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20041271

Pre-approval of a State Aid Funding Contract with the Georgia Department of Transportation for the Cherokee Street and Cherry Streeet Project

Motion to approve a State Aid Funding Contract with the Georgia Department of Transportation for the Cherokee Street and Cherry Street intersection improvement and signalization project, subject to the verification and approval of the contract by the City Manager, City Attorney and Public Works Director.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**
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20041272

Approval of a State Aid Funding Contract with the Georgia Department of Transportation for the Tower Road and Church Street Project

C/A 2976 Motion to approve the State Aid Funding Contract with the Georgia Department of Transportation for the Tower Road and Church Street Project

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**
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20041291

BLW Actions of November 8, 2004

Review and approval of the actions and minutes of the Marietta Board of Lights and Water Works at their November 8, 2004 regular meeting.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**

ADJOURNMENT:

The meeting was adjourned at 8:33 p.m.

Date Approved: December 8, 2004

William B. Dunaway, Mayor

Attest: _____
Shelia R. Hill, City Clerk